Remarks

This is in response to the final Office Action dated March 31, 2005 and is being submitted simultaneously with a Request for Continued Examination pursuant to 37 C.F.R. 1.114.

The Office Action first rejected claims 1-8, 10-17 and 19-26 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Number 6,484,196 to Maurille ("Maurille") in view of U.S. Patent No. 6,424,647 to Ng et al. ("Ng"). The Office Action also rejected claims 9 and 18 under 35 U.S.C. §103(a) as being unpatentable over Maurille in view of Ng further in view of U.S. Patent Number 6,654,790 to Ogle et al. ("Ogle").

Applicants respectfully traverse. Claims 1-26 remain under consideration.

35 U.S.C. §103(a) Rejection: Maurille in view of Ng

The Office Action rejected claims 1-8, 10-17 and 19-26 under 35 U.S.C. §103(a) as being obvious over Maurille in view of Ng. In order for an invention to be obvious under 35 U.S.C. §103(a), there must be some suggestion to combine or modify cited prior art references in a manner which would show or suggest all elements of the claimed invention. For the reasons discussed below, the Office Action fails to show that Maurille in view of Ng teach all elements of claims 1-8, 10-17 and 19-26. Applicants therefore request the withdrawal of the rejections of claims 1-8, 10-17 and 19-26 under 35 U.S.C. §103(a).

The present invention is generally directed to methods for identifying users in instant messaging applications using a unique sound identifier, or sound ID, which refers to one or more short or abbreviated sound snippets or a selection of notes, tunes, themes, or melodies which identifies one user to other users.

Claim 1 of the present application claims, in part:

> receiving a message from a message sender designated for at least one message recipient, said message comprising an indication of a sound identifier associated with said message sender, wherein, when the message is received by said at least one message recipient, said sound identifier is played for said at least one message recipient.

Claim 10 of the present application claims, in part:

> providing the instant message from the message originator to the one or more message receivers specified by the message originator, said instant message comprising an indication of a sound identifier associated with said message originator, wherein, when the instant message is received by said one or more message receivers, said sound identifier is played for said one or more message receivers.

And claim 16 of the present application claims in part:

> creating a message listing of one or more pending messages, each of said pending messages comprising an indication of a sound identifier associated with an originator of said pending messages;

Thus, each of the above claims claims that a sound identifier or indication of a sound identifier associated with the message sender is sent from the message originator to one or more message receivers or recipient at which time the sound identifier is played for that recipient.

The Office Action admits that the Maurille reference does not teach the above elements of claims 1, 10 and 16 and, instead, relies on the Ng reference as teaching these elements. Specifically, the Office Action states:

> [at] column 20, line 53 – column 21, line 3, Ng discloses the sender sends a personalized audible (sound) signal to the recipient; upon detecting and recognizing the sender sound identifier, the receiver can choose to respond to the sender via instant messaging

However, Ng does not teach that which the Office Action asserts. Instead the cited passage teaches a method for transmitting an e-mail to a recipient or of initiating an instant messaging session. In accordance with this method, a caller sends an e-mail to a recipient's internet service provider (ISP). The caller then places a telephone call to an Internet telephone associated with the recipient. A differential dialing sequence is used by the caller and is detected by an Internet processor (e.g., in the Internet telephone). As is taught at Ng, column 8, lines 30-67, this differential dialing sequence is a detectable

ringing characteristic that is repeated one or more times so that the Internet processor of the recipient can recognize the sequence. As is taught in this passage, the ringing characteristic may be "durations in the number of rings in a ringing interval or the duration of the intervals between . . . successive calls." The Internet phone "monitors the ringing sequence to detect that the unique ringing sequence has been received."

Referring once again to the cited portion of Ng, upon detecting the unique ringing sequence, the recipient's Internet processor (e.g., in the recipient's Internet phone) then automatically connects to the recipient's ISP and downloads the e-mail sent by the caller. The Internet processor then notifies the recipient that an E-mail has been received. This notification can be by audible signal or message or by a message on a display device connected to the recipient's Internet processor. This portion of Ng, finally, teaches that "the ringing sequence can be used to establish an Internet connection as described above in connection with making an Internet telephone call so that instant messages can be transmitted over the established Internet connection in both directions and be displayed on the display device connected to the personal computer receiving an instant message."

This is clearly different than the teachings and claims of the present invention. While Ng teaches a "unique" ringing sequence, that sequence is only unique in that an Internet processor in an Internet telephone is able to recognize the sequence to trigger a "unique" action (i.e., to connect to the Internet and retrieve an e-mail or enter into an instant messaging session automatically). Ng does not teach that the "unique" ringing sequence is associated uniquely with a particular caller or any other user or that such a sequence is used in any way to identify a caller or user. The ringing sequences of Ng are not "unique" in this regard. To the contrary, according to the teachings of Ng, the same ringing sequence will be used by many different callers to trigger the "unique" action of causing the recipient's Internet processor to connect to the Internet.

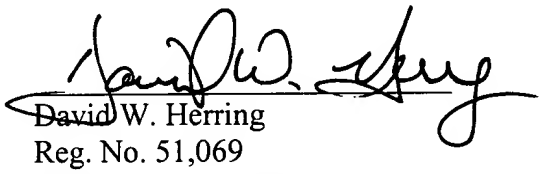
Further, in addition to being different than the claims of the present invention, the Ng reference actually teaches away from the present invention, as claimed in claims 1, 10 and 16. Specifically, in Ng, the ringing sequence for a particular, unique action is standardized to, in this case, enable the Internet processor to determine when to connect to the Internet. Thus, the same ringing sequence is used potentially by many callers and, therefore, using the teachings of Ng, it is impossible to identify a particular caller based simply on the ringing sequence. Applying Ng to the present invention would lead to

potentially many users having the same sound identifier in an instant messaging application and, as a result, it would be impossible to identify the particular instant messaging user by relying solely on the sound identifier.

For the foregoing reasons, neither Maurille nor Ng, either alone or in combination, teach or suggest the element of claims 1, 10 and 16 of a sound identifier associated with the message sender. Additionally, also for the reasons discussed above, the Ng reference teaches away from the present invention as claimed in claims 1, 10 and 16. Accordingly, these claims are not obvious and are allowable over these references. It follows that claims 2-9, 11-15 and 17-26 are allowable as being dependent upon an allowable base claim.

Allowance of all claims is requested.

Respectfully submitted,



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